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10/563,486

01/05/2006

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EXAMINER

FITZPATRICK, ATIBA O

ART UNIT

PAPER NUMBER

2624

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|---|--|
| Office Action Summary | Application No. 10/563,486 | Applicant(s) MURAMATSU ET AL. | |
| | Examiner ATIBA O. FITZPATRICK | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/30/2008, 08/04/2006, 01/05/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's election of Group II: claims 1-7 in the reply filed on 12/05/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)).

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Claim Objections

Claim 3 is objected to because of the following informalities: The excerpt "application program group storage means that a combination of the plural application programs concurrently executed using the image data acquired from the image pickup device" is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by JPN 07 (1995) -046568 (Hatori).

As per claim 1, Hatori teaches an image-processing camera system, comprising:
an image pickup device that acquires image data (**Hatori: abstract: “one camera for plural applications”; Fig. 2: 22**);
a plurality of application programs each set by use of the image data so as to have a different function (**Hatori: abstract; Fig. 2: 44-1 – 44-3; claim 1: “different setup by each setup to the two or more applications”; claim 2: “a photograph cannot be taken to the application which cannot perform a setup to demand”; para 6: “each application is performing uniquely”**);
an image pickup device controller that controls the image pickup device in accordance with image data acquisition requests associated with the plural application programs (**Hatori: abstract; Fig. 2: 42, 50, 48, 46**); and
a controller that activates the plural application programs to acquire the image data from the image pickup device and concurrently executes the plural application programs (**Hatori: abstract; Fig. 2: 42, 50, 52, 48, 46; claim 1**);
wherein the image-processing camera system further includes:

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means for storing the image data volumes and image data acquisition rates necessary in the plural application programs (**Hatori: abstract “The history holding part 48 holds requests concerning the camera from applications 44-1, 44-2 and 44-3 as a history. The camera operation part 50 drives a camera 22 according to the history inside the history holding part 48”**: The history of requests must include information about the timing and sequence of the requests. This is true because the abstract further states that: “The request adjustment part 52 judges the acceptance of the requests concerning the camera outputted from the applications 44-1, 44-2 and 44-3, prepares, corrects, updates or erases the history inside the history holding part 48”; Fig. 2: 42, 50, 52, 48, 46; Fig. 1: 28: “28 memorizes the digital signal”);

means for selecting concurrently executable application programs on the basis of the image data volumes and image data acquisition rates (**Hatori: abstract “The camera operation part 50 drives a camera 22 according to the history inside the history holding part 48 and prepares data adding information for identifying the application to a photographed image. The request adjustment part 52 judges the acceptance of the requests concerning the camera outputted from the applications 44-1, 44-2 and 44-3, prepares, corrects, updates or erases the history inside the history holding part 48 and further distributes the image to the applications based on the data prepared at the camera operation part 50”**: Auxiliary information is used in selecting the application; Fig. 2: 42, 50, 52, 48, 46. Note that the applications are shown to be in parallel; claim 3: “distributes a picture to

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application based on the data concerned which created, corrected, updated and eliminated the history concerned in the history maintenance means concerned”);

and

an image acquisition scheduler for determining image data acquisition timing and intervals at which a plurality of concurrently executable application programs each repeats acquiring the image data from the image pickup device without overlapping in terms of time **(Hatori: abstract: See excerpts and arguments included above; Fig. 2: 42, 50, 52, 48, 46. Fig. 2: the applications are shown in parallel; para 5: “video”; para 21: “timing”; para 26: “time sharing”; para 27; Figs. 3, 5: paras 27-37).**

As per claim 2, Hatori teaches the image-processing camera system according to claim 1, further including: a scheduler that determines timing inclusive of processing which uses the image data acquired into each of the application programs **(Hatori: See arguments made for rejecting claim 1: Fig. 2: 42, 50, 52, 48, 46. Fig. 2: the applications are shown in parallel; para 5: “video”; para 21: “timing”; para 26: “time sharing”; para 27; Figs. 3, 5: paras 27-37).**

As per claim 3, Hatori teaches the image-processing camera system according to claim 1, further including: application program group storage means that a combination of the plural application programs concurrently executed using the image data acquired from the image pickup device **(Hatori: See arguments made for rejecting claim 1: para 14: “RAM whose 40 are loading places, such as an application program and OS”;**

para 16),

wherein the application program selection means reads out data on concurrently executable application programs, from the application program group storage means **(Hatori: See arguments made for rejecting claim 1. Note that all applications can be understood to pertain to a group.)**.

As per claim 5, Hatori teaches the image-processing camera system according to claim 1, further including: means which, during execution of an application program, selects any other executable application program on the basis of the fact that the latter application program belongs to the same application program group as that of the application program being executed **(Hatori: See arguments made for rejecting claim 1. All applications understood to belong to the same group. Figs. 2-5)**.

As per claim 6, Hatori teaches the image-processing camera system according to claim 1, further including: means which, during execution of an application program, selects any other executable application program on the basis of a functional matching level of a necessary basic image-processing function with respect to the application program being executed **(Hatori: See arguments made for rejecting claim 1 and 4. Note that functional matching levels are understood to be the capability or suitability of the applications: claims 1-3. Figs. 2-5)**.

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As per claim 7, Hatori teaches the image-processing camera system according to claim 1, further including: means which, during execution of an application program, selects one of the other application programs as an executable application program, depending on whether the image data that the particular executable application program requires can be acquired from the image pickup device during an interval within a period of image data acquisition from the image pickup device by the application program being executed (**See arguments made for rejecting claim 1: Hatori: claims 1-3; para 23. Figs. 2-5).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JPN 07 (1995) -046568 (Hatori).

As per claim 4, Hatori teaches the image-processing camera system according to claim 1, further including: a basic image-processing function block for controlling the image pickup device in order to execute a plurality of application programs (**Hatori: See arguments made for rejecting claim 1: Fig. 2: 42, 50, 52, 48, 46**); and means which, on the basis of functional matching levels of the basic image- processing functions

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required, determines plural application programs to be concurrently executed using the image data acquired from the image pickup device **(Hatori: See arguments made for rejecting claim 1. Note that functional matching levels are understood to be the capability or suitability of the applications: claims 1-3).**

Hatori does not teach plurality of basic image-processing function blocks. It would have been obvious for one of ordinary skill in the art at the time the invention was made to implement a plurality of basic image-processing function blocks, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. MPEP 2144.04 (VI-B).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Atiba Fitzpatrick whose telephone number is (571) 270-5255. The examiner can normally be reached on M-F 10:00am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571)272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Atiba Fitzpatrick

/A. O. F./

Examiner, Art Unit 2624

/Samir A. Ahmed/

Supervisory Patent Examiner, Art Unit 2624